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EXAMINER	
MILORD, MARCEAU	
ART UNIT	PAPER NUMBER
2618	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/769,176	KAMMER, DAVID	
	Examiner	Art Unit	
	Marceau Milord	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 September 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 9, 1 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 16, 1 of U.S. Patent No. 7356347 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant application and US 7356347 B1 contain the same subject matter such as a method and system that registers a service record used by one Bluetooth device to discover the user name of another Bluetooth device. Removing inherent and/or unnecessary limitations/step and rearranging the claims would be within the level of one of ordinary skill in the art. It is well settled that the omission of an element, e.g. "receiving an address for a responding device in response to a wireless signal", and its function is an obvious expedient if the remaining elements perform the same function as before. In re Karlson, 136 USPQ 184 (CCPA 1963). Also note Ex parte Rainu, 168 USPQ 375 (Bd. App. 1969). Omission of a reference element or step whose function is not needed would be obvious to one of ordinary skill in the art.

Claim Objections

3. Claim 9 is objected to because of the following informalities: in claim 9, page 4, line 13, "aid" should be written as "said". Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole

would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1- 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lunsford et al (US Patent No 6982962 B1) in view of Phillips (US Patent No 6748195 B1).

Regarding claim 1, 7-8, Lunsford et al discloses a wireless device (figs. 1-2) having a transceiver (such as cellular phones, PDAs; 12 of fig. 1; col. 3, lines 7-15), a method for providing a service record for a software application running on a virtual serial port in a wireless device (col. 3, lines 22-44), said method comprising the steps of: executing said application, wherein said application is a legacy application operable to communicate with a peripheral device over a serial connection (col. 5, line 45- col. 6, line 25; col. 7, lines 15-39); opening a virtual serial port for said application, wherein said virtual serial port is opened by a virtual serial port driver and wherein said virtual serial port emulates said serial connection (col. 4, lines 29-61; col. 5, line 28- col. 6, line 30).

However, Lunsford et al does not specifically disclose the steps of creating a service record corresponding to an application; and registering in the service record a service name identifying said application, wherein the service name is provided by a virtual serial port driver.

On the other hand, Phillips, from the same field of endeavor, discloses the steps of creating (service discovery protocol) a service record corresponding to an application (service discovery server 202; col. 5, lines 1-29); and registering (Bluetooth device 12) in the service record a service name identifying said application (col. 6, lines 3-20), wherein the service name

(the service name could be registered in the service record) is provided by a virtual serial port driver (col. 3, lines 40-66; col. 4, lines 5-67; col. 5, lines 4-67; col. 6, lines 7-67;col. 7, lines 12-64; col. 9, lines 6-67).

Phillips shows in figure 1, a host processor that is coupled to a database including service records, utilizes link policy commands controlled by the host controller interface to manage traffic in a localized network. The host controller interface provides a command interface to the link manager, and access to hardware status and control registers. The service discovery protocol provides for discovery of a server application and the attributes of those services contained in service records by a client application. For instance, a service discovery protocol server is typically running on a host processor, and a mobile service discovery protocol client application, is typically running on a mobile device, communicating with each other. In addition, the service discovery protocol server maintains a list of service records that uniquely describe the characteristics of the services associated with the server. The wireless device uses authentication procedure when authentication is initiated by one device towards another. A service name for this application is registered in the service record where the virtual serial port driver for the Bluetooth device provides a service name that is registered in the service record. The service name could be a default name. Furthermore, the name discovery procedure can be used for retrieving a device name from a connectable device. A device discovery procedure provides the name of discoverable devices (figs. 1-2; col. 5, lines 1-29; col. 5, line 55-col. 6, line 20; col. 54-col. 7, line12).Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Phillips to the communication system of

Lunsford in order to provide a service discovery protocol that provides communication services to wireless devices.

Regarding claim 2, Lunsford et al as modified discloses a method (figs. 1-2) for providing a service record for an application running on a virtual serial port in a wireless device wherein said wireless device is a Bluetooth-enabled device (col. 5, lines 6-56).

Regarding claim 3, Lunsford et al as modified discloses a method (figs. 1-2) for providing a service record for an application running on a virtual serial port in a wireless device, wherein said service record is a Service Discovery Protocol service record (col. 5, lines 33-63).

Regarding claim 4, Lunsford et al as modified discloses a method (figs. 1-2) for providing a service record for an application running on a virtual serial port in a wireless device, wherein said virtual serial port driver is substantially compliant with the RFCOMM protocol (RFCOMM layer 250) and comprises a port emulation entity (col. 5, line 45-col. 6, line 31).

Regarding claim 5, Lunsford et al as modified discloses a method (figs. 1-2) for providing a service record for an application running on a virtual serial port in a wireless device comprising the step of: selecting a RFCOMM channel number for said virtual serial port (col. 5, line 53-col. 6, line 31).

Regarding claim 6, Lunsford et al as modified discloses a method (figs. 1-2) for providing a service record for an application running on a virtual serial port in a wireless device (120 of fig. 1; col. 3, line 54- col. 4, line 24), comprising the step of: including said RFCOMM channel number in said service name (col. 5, line 53-col. 6, line 31).

Regarding claims 9, 15-16, Lunsford et al discloses a wireless device (figs. 1-2) comprising: a bus (110); a wireless transceiver unit (12 of fig. 1, such as cellular phones, PDAs;

col. 3, lines 7-15), coupled to said bus and for communicating with other wireless devices (); a processor (50) coupled to said bus (110) ; and a memory unit (100) coupled to said bus and comprising processor instructions for performing a method for providing a service record for a software application running on a virtual serial port (col. 3, lines 22-44), said method comprising the steps of: executing said application, wherein said application is a legacy application operable to communicate with a peripheral device over a serial connector (col. 5, line 45- col. 6, line 25; col. 7, lines 15-39); opening a virtual serial port for said application, wherein said virtual serial port is opened by a virtual serial port driver and wherein said virtual serial port emulates said serial connector (col. 4, lines 29-61; col. 5, line 28- col. 6, line 30).

However, Lunsford et al does not specifically disclose the steps of creating a service record corresponding to an application; and registering in said service record a service name identifying said application, wherein the service name is provided by a virtual serial port driver.

On the other hand, Phillips, from the same field of endeavor, discloses the steps of creating (service discovery protocol) a service record corresponding to an application (service discovery server 202; col. 5, lines 1-29); and registering (Bluetooth device 12) in said service record a service name identifying said application (col. 6, lines 3-20), wherein the service name (the service name could be registered in the service record) is provided by a virtual serial port driver (col. 3, lines 40-66; col. 4, lines 5-67; col. 5, lines 4-67; col. 6, lines 7-67;col. 7, lines 12-64; col. 9, lines 6-67).

Phillips shows in figure 1, a host processor that is coupled to a database including service records, utilizes link policy commands controlled by the host controller interface to manage traffic in a localized network. The host controller interface provides a command interface to the

link manager, and access to hardware status and control registers. The service discovery protocol provides for discovery of a server application and the attributes of those services contained in service records by a client application. For instance, a service discovery protocol server is typically running on a host processor, and a mobile service discovery protocol client application, is typically running on a mobile device, communicating with each other. In addition, the service discovery protocol server maintains a list of service records that uniquely describe the characteristics of the services associated with the server. The wireless device uses authentication procedure when authentication is initiated by one device towards another. A service name for this application is registered in the service record where the virtual serial port driver for the Bluetooth device provides a service name that is registered in the service record. The service name could be a default name. Furthermore, the name discovery procedure can be used for retrieving a device name from a connectable device. A device discovery procedure provides the name of discoverable devices (figs. 1-2; col. 5, lines 1-29; col. 5, line 55-col. 6, line 20; col. 54-col. 7, line12).Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Phillips to the communication system of Lunsford in order to provide a service discovery protocol that provides communication services to wireless devices.

Regarding claim 10, Lunsford et al as modified discloses a wireless device (figs. 1-2) comprising: a bus, wherein said wireless device and said other wireless devices are Bluetooth-enabled devices (col. 5, lines 6-56).

Regarding claim 11, Lunsford et al as modified discloses a wireless device (figs. 1-2) comprising: a bus, wherein said service record is a Service Discovery Protocol service record (col. 5, lines 33-63).

Regarding claim 12, Lunsford et al as modified discloses a wireless device (figs. 1-2) comprising: a bus, wherein said virtual serial port driver is substantially compliant with the RFCOMM protocol and comprises a port emulation entity (col. 5, line 45-col. 6, line 31).

Regarding claim 13, Lunsford et al as modified discloses a wireless device (figs. 1-2) comprising the step of: selecting a RFCOMM channel number for said virtual serial port (col. 5, line 53-col. 6, line 31).

Regarding claim 14, Lunsford et al as modified discloses a wireless device (figs. 1-2) comprising: a bus; wherein said service name comprises said RFCOMM channel number (col. 5, line 53-col. 6, line 31).

Response to Arguments

6. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 571-272-7853. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Marceau Milord/
Primary Examiner, Art Unit 2618

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